21-P

Previous references.

SR 175-11 (2 Ker June 1907)

190

(S R)

File No. 222-12

Serial Nos 1-2

Later references.

S.A. 45-14 Ms Pr

Rs for February 1915

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-89

Part B. for August 1914

SUBJECT.

Deputation of Officers of one department for work in another department in addition to their own

From the Excise Comm^r in Mysore No. 7479 & 1/4/1914. forwards copies of the correspondence between him & the Dy Comm^rs, including Sl., regarding the deputation of excise officers to other duties to the prejudice of ~~their~~ legitimate duties and requests orders of Govt relating to such deputations.

2 To Excise Comm^r in Mysore, the Hds of Depts & Dy Comm^rs, Chitaldrug Sl. & Dy Comm^rs of other Districts.
No. H 5214-72 dy the 7th August 1914.

authorize the Dy Comm^rs during the absence of one or more of their Assistants to depute other Assistants for emergent work for a period not ordinarily exceeding three days, immediate

G. R. S. 58 intimation being given to the Head of the Department concerned, but that if the deputation exceeds that limit previous concurrence of the Hd of the Dept should be obtained

Note Memorandum

(1

No 9 09
f 8 14

G.R.S. 11] 1912-3

GENERAL AND REVENUE SECRETARIAT.

(SR)

NOTES.

File No. 222-12

FILE HEADING.

Deputation of Dt Excise Officers for other work, ie outside their legitimate work

From

The Excise Commr in Mysore

No. 7479 Dated 1/4/1913 Received 2/4/1913.

Diary No. 3854 Enclos. 4 Spare Copies. — Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Forwards copies of certain correspondence between the D/S Dy Commr, Chitaldrug & himself regarding the deputation of Dt Excise Officers to other duties to the prejudice of their legitimate duties and incidentally refers certain points for orders in this connection

NOTES AND ORDERS.

1. There more important points for orders are mentioned in the para 3 of the paper under disposal.

The papers referred to in para 5 of the same letter are put up.

2. Not[illegible] No: 11288/S.7 3-1907 & 7/1/1902,

(Since Detached as per instructions of the 2nd Commissioner

2 + the paper under disposal in the linked file)

✓ 2

+ (page 48 of the Mysore Chief manual)

NOTES—First Sheet.

GPB—35,000—15 6-12

R. S. 12]

General and Revenue Secretariat.

SR File No. 222 of 1912

Serial No.	
	rules II & III, relating to certain diaries & reports is also put up.
	3. The file relating to f.d. no. H 9243-54 (SR 145-06-1 & 1576/1907) is subd in another connection and so a spare copy of the order is put up. A reference to this fd is made by the D.C.
	4. An extract from the monthly volumes for October 1912 is put up as the file referred to on page 14 of the notes in SR 175-11 is put up in another connection.
	Subd for orders.
	DS. 83 Bdn. 19) 11/4/13.
Paper under disposal	5 The Excise Com's letter sets the facts of the case fully & the points on which orders are required are set forth in para 3 of the letter. The D.C. Com's view is given in his letter dated 12-3-1913
	6. Submd & orders on the two receipts.
	DS Secy)
	Secy)
	Dewan.
	Hon'ble 2nd Comnr 25/4 Dewan 1914

× W (linked file)
× (detached under 2nd Cos orders)
DS 26/4/13

SDN 16/4 Dewan 1914
Dewan 17/4
SDN 17/4

SDN 25/4

NOTE—Contn. sheet.

GPE—65,000—17-C-12.

R. S. 12]

General and Revenue Secretariat.

SR File No. 222 of 1912-13

Serial No.

To I have read this memorandum. I have nothing to say as member of Council in charge of the Portfolio. The file may be returned to Dewan for such orders as he may be pleased to pass.

26/4/13

2766
29.4.13

Dewan

28/4

28/4

28/4

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

SR 222-12 (4

Submitted to His Highness.

8 The District Excise Officer, Chitaldrug, having reported in his Diary for the week ending the 18th January 1913, that he conducted certain revenue sales, the Excise Commissioner recorded the following remarks:-

" I thought you had done with this work".

" You must not let such work interfere with your more legitimate work".

" I much doubt the validity of the conduct of such sales".

9 2. These remarks were taken exception to by the then Officiating Deputy Commissioner. The Excise Commissioner, in forwarding the entire correspondence to Government, solicits orders on the question, viz., whether a Deputy Commissioner is competent to depute an Assistant of his, to do a duty not properly falling within his sphere of work without either a previous reference or intimation to the head of the Department concerned.

M

Paper under disposal

10 3. The Second Member of Council has refrained from giving his opinion on the case as he has moved in this matter in his former capacity of Excise Commissioner.

Page 3 of the office notes

11 4. The question was informally discussed in Council. The Council are of opinion that while some latitude in the matter of arranging for the conduct of emergent work during the temporary absence of his Assistants may be allowed to the Deputy Commissioner as the administrative head of the District, he should not exercise this authority without simultaneously, or as soon after as practicable, intimating the fact to the head of the De-

SR 212-12

(5

Department concerned. Ordinarily the period during which an Assistant may be employed on other than his proper work should not exceed three days and where it is necessary to employ him for a longer period the previous approval of the head of the Department should be obtained.

12 5. In this connection it has to be observed that in carrying on the correspondence on this question, the Deputy Commissioner, Mr. Krishna Iyer, has adopted in his letters a tone not quite consistent with his relation to the head of a Department. (Vide his letter of 16th February 1913).

D + M

M

13 6. The attention of the Deputy Commissioner will be invited to the more correct observance of official proprieties in future.

BR

M. Viswanath
29.4.1914.

SA 212-12

(6

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

14.

Deputation of the District Excise Officers on duty other than Excise by the Deputy Commissioners.

Order.

~~KRW~~

5/5/14

15 I want to see papers again

7.5.14 KV

KSD

SR 222-12

(7

16 Resubmitted after examination as directed.

17 Suppose only one small change

in Draft No II

18 Draft No I requires approval.

Dewan Jagdao
1/8

602
1-8-14

Dewan)

19. Draft No I approved; and

Draft No II slightly revised and

approved, by Dewan

4-8-14.

20 Done ~~to-day~~.

Dewan
4/8.

Rec'd 5-5 pm
4/8

4 pm

PBG

CONFIDENTIAL. 11

To

K. Krishna Iyer Esqr.
Deputy Commissioner,
Kadur District.

Dear Sir,

With reference to the correspondence ending with letter No.1274 dated 11/12th March 1913, addressed by you as Offg. Deputy Commissioner of Chitaldrug, to the Excise Commissioner in Mysore, regarding the employment, by Deputy Commissioners, of District Excise Officers on other than Excise duty, I am directed to point out that expressions like the following should not have found a place in the correspondence:-

> "It (the diary of the Excise Officer) cannot therefore be considered to be the exclusive property of the Excise Commissioner to deal with as he pleases."

2. The use of such language is, in the opinion of Government, inconsistent with the dignity and courtesy which should characterise communications between officers of Government.

Yours sincerely,

Offg. Secretary to Government,
Genl. & Rev. Depts.

C.S. get the file must speak 16/8

Subd 17/8

19

C O N F I D E N T I A L.

Chikmagalur,

15th August 1914.

Dear Sir,

I have received your Confidential D. O. letter No. F. L. 507 / S. R. 222 - 12 dated the 5th instant, stating - that the language used in my letter No. 1274 dated 11/12th March 1913 to the address of the Excise Commissioner while I was Officiating Deputy Commissioner of Chitaldrug is " in " the opinion of Government, inconsistent with the dignity " and courtesy which should characterise communications " between Officers of Government. "

2. I have no wish to enter into any controversy on the subject but I beg however to state, that in what I wrote to the Excise Commissioner, I had not the slightest intention of being offensive in any way. A perusal of the whole correspondence will bear me out in what I say.

3. To my suggestion that when he had occasion to --- criticize the Deputy Commissioner's actions he might write separately to him instead of making such remarks on the Diary itself, the then Excise Commissioner (Mr. M. Kantaraj Urs) replied disputing my right to question his action observing " that the Diary is the District Excise Officer's and this " being so, my remarks or instructions to him cannot be -- " questioned. "

4. The Excise Commissioner's remarks or rather instructions in this case to the District Excise Officer — who is my Assistant, and whom I had specially deputed to conduct a Revenue Sale — were, " you must not let such work -- interfere with your more legitimate work of the Department", — in other words —, that my Assistant was at liberty to disregard my orders in any matter which he did not consider to be the " legitimate " work of his Department.

Against

(2)

5. Against such extreme views taken by the Excise Commissioner. t naturally became necessary to advance various arguments and considerations.

6. The single sentence to which objection is now taken ---- contained one of those arguments against the Excise Commissioner's opinion, that because the Diary was that of the District Excise Officer he could make what remarks he pleased on the Diary itself

7. By this sentence I meant to show —— as the context will make it apparent —— the clear distinction which exists between these diaries and other papers pertaining to the Excise Commissioner's Office proper. Over the latter papers, the Excise -- Commissioner would have full and exclusive rights and could make what remarks he pleased thereon, without giving any serious -- thought or consideration to other circumstances. But the --- District Excise Officer's Diaries were quite different and could not be dealt with in the same manner because they were that of my Assistant and they had to be returned to the District with his remarks if any, for my Assistant's information and guidance. This being so, it was, I thought, incumbent upon the Excise -- Commissioner to consider not only the nature but the effect also of his remarks upon the Officers in the District.

8 This was what I meant to convey and I hope that I have now been able to convince the Government that nothing was further from my thoughts than to offer any indignity or discourtesy to the Head of the Department.

Yours Sincerely,

V Krishnaswamy

To

D. M. Narasinga Rao, Esq,

Offg: Secy: to Govt

Gen. & Rev. Deprts.

G. R. S. 12]

General and Revenue Secretariat.

S.R. File No. 222 of 1912

Serial No.

2. The Excise Commr, Dy Commrs Chitaldrug Dt; Other Heads of Deptts & their Deputy Commrs of Districts.

No. 72 S 24-72 dt the 7/8/14

Authorises Deputy Commissioners during the absence of one or more of their Assistants to depute their Assistants for emergent work, not properly falling within the latter's sphere of work, for a period not ordinarily exceeding three days, immediate intimation being given to the Head of the Department concerned, but that if such deputation exceeds this limit, previous concurrence of the Head of the Dept should be obtained.

[D.O. No: 72 S 27 dt the 5/8/1914.
To the Dy Commr, Kadur Dt. & his reply thereto dt 15/8/14 (on confidential) [both the D.O's included on this note.]

2 No further action appears necessary.

Dewan 17/8

Dewan)

23 The Dy Comrs who may be shown to the 2nd member & recorded.

18.8.14. RO

Second member)

Dewan 19/8

14/8

Dewan 20/8

22 8 14

Letter
D.O. reply 24/8/1914. from the Dy Comr, Kadur Dt. to the D.O. of the 5th Augt 1914.
21

* & D-O. since received from Mr. Krishna Iyer is put up.
Flag A.

95

B
20/8/14

NOTE—Contn. sheet.

GPB—10,000—13-6-14

G.O. dt. enclosures 4

(1)

No. 7479

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE.

Bangalore, dated 1st April 1913, *19*

11/4/13 for 1/24

DIARY No. 3854
10/12/1913
SECTION SR
FILE No. 222-12
SERIAL No. 1

FROM

M. Kantaraj Urs, Esq., B.A.,

Excise Commissioner in Mysore.

To

K. R. Srinivasiengar, Esq., M.A.,

Offg.

Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments.

Sir,

1) I beg to submit copies of correspondence between the Offg. Deputy Commissioner of Chitaldrug and myself for some days past for information and orders of Government. Some months ago, probably in September last, Mr. Chandy, the then Deputy Commissioner of Chitaldrug wrote a D.O. and asked me if I had any objection to his District Excise Officer being asked by him to conduct certain Revenue Sales to which I also replied demi-officially stating that I had none, so far as this work was not allowed to interfere with the legitimate duties of the District Excise Officer. At the same time, I also expressed my doubt as to the validity of the Sales conducted by the District Excise Officer I however, said that as it was a matter which concerned the Revenue Department and not mine, I would not say anything more about it. There the matter ended for the time being.

2) After the present Offg. Deputy Commissioner took charge of the district, I noticed in one of the diaries submitted by the District Excise Officer to me through the Deputy Commissioner, that the former referred to his having conducted certain Revenue Sales, upon which, I made marginal remarks to the following effect.--," You must not let such work interfere with your more legitimate work of the department " " I much doubt the validity of the conduct of such Sales by you " -- These remarks have been taken exception to by the Offg. Deputy Commissioner and the result is all this correspondence between us. The letters, copies of which are attached to this letter speak for them -

Diary for the week ending 18.1.1912.

FROM

Excise Commissioner in Mysore.

To

Secretary to the Government of
H. H. the Maharaja of Mysore,
Gen. and Rev. Depts.

Dated

Despatched

Received

General No.

Enclosure No.

SUBJECT.

GPB—1,350—25-11-12

themselves and need no comment

3) The points raised by this correspondence and which requires orders of Government are :-

1. Whether a Deputy Commissioner is competent to depute an Assistant of his to do a duty not properly falling within his sphere of work, as in the present instance without either a previous reference or even intimation to the Head of the Department concerned. ?

2. Whether the Head of a Department is not at liberty to pass such remarks on the diaries of one of his subordinates as he thinks fit by way of observation or a direction to the subordinate officer. ?

3. Whether a Deputy Commissioner can question the Head of a Department as to his right to interfere when he finds that his Assis--tant is not being properly employed in his legitimate work. ?

4) The above are some of the more important issues raised by this controversy closely affecting the status and prestige of a Head of a Department, which I believe is the intention of Government to maintain not only in the interests of descipline but in those of propriety in the eyes of the public. If the Head of a Department cannot control or guide the actions of his subordinate officers on the ground that they are the assistants of the Deputy Commissioner there is no - - - Raison d'atre for the appointment of a Head of a Department.

5) I further invite attention to letter No. 6665 dated 22/23 -2-12 from Mr. C. Srikanteswara Iyer and also to my letter No. 3123 dated 21/22-10-12 bringing to the notice of Government similar deputation - of Officers of this department for other duty without the Excise - - Commissioner being consulted in either case and requesting a ruling in such cases. No orders have yet been passed on either reference.

6). I therefore solicit a careful consideration of the situation and the circumstances connected herewith and passing of such early orders as the Government may deem fit.

I have the honor to be,
Sir,
Your most obedient servant

Excise Commissioner.

(3

Copy of letter No. 1274 dated 11/12th March 1913, from the Deputy Commissioner, Chitaldrug District to the Excise Commissioner in Mydore

---

I have the honor to acknowledge your letter No. 6640 dated 25/27 February 1913 and to state that the main point at issue appears to have escaped your attention.

The Deputy Commissioner is held primarily responsible for the proper and efficient conduct of the Excise work of the district. The District Excise Officer is treated as only one of his assistant and holds no direct correspondence with the Excise Commissioner.

The Deputy Commissioner has the first hold on the diary of the District Excise Officer since it necessarily has to pass through his hands and he is equally competent to make his own remarks thereon. It cannot therefore be considered to be the exclusive property of the Excise Commissioner to deal with as he pleases.

However, the mere fact that the diary is that of the District Excise Officer does not either justify or confer any special privileg upon the Excise Commissioner to pass adverse remarks thereon concern--ing the Deputy Commissioner. The moment the District Excise Officer comes to know of these remarks -- as he must when the diary reaches him -- it becomes very important indeed to consider not only the nature of the remarks but also the effect likely to be produced by them on the District Excise Officer's mind.

It was because the effect produced by them would be subversive of all discipline that I naturally and with reason protested against the propriety of your making such remarks on the District Excise - - Officer's diary instead of writing to me direct. I still think that as pointed out in my letter No. 1153 dated 15/16th February 1913 the latter was the proper course to have followed.

Coming next to the other points peferred to in your letter under reply I beg to state that in September last there being no other - Officer available at the time for this purpose, the Deputy Commission -er deputed the District Excise Officer in addition to his own work to conduct these sales and as all the lands were not sold on that -

(4

that occasion the District Excise Officer was again asked to hold th adjourned sales in January last. It is not apparent for what reason the objection now taken by the Excise Commissioner was not taken by him in September last when the District Excise Officer's deputation for this work was communicated to him.

The validity or otherwise of the sales held by the District Excise Officer under the orders of the Deputy Commissioner is a - - matter for consideration in the Revenue Department.

With reference to your suggestion that as Head of the Depart - -ment your permission should have been previously obtained, I beg to invite your attention to the 3rd Sub-para pf para 8 of the Govt. order Fl. 9243-54/S.R.145-06-1 dated 15th June 1907 from which it is distinctly seen that the Government holds the Deputy Commissioner to be primarily responsible for the Excise Administration of the - District and that the District Excise Officer is only an Assistant to him. This being so, it is not clear why the special previous permission of the Excise Commissioner is insisted upon being obtain -ed even in such minor matters.

In the case of the Deputy Commissioner's Revenue Assis - -tant such previous permission of the Revenue Commissioner is not being obtained for instance when they ar put in temporary charge of either the Forest or Excise work in addition to their own work.

I am sorry I am not able to understand how the serious inter- -ference with the Excise work that would be caused by any such - - temporary deputation of the District Excise Officer on other work in addition to his own could possibly be remedied or overcome by the Excise Commissioner's previous permission unless it be the inten -tion of the Excise Commissioner to make other arrangements of his own for the conduct of the Excise work during such period.

The District Excise Officer has work awaiting him all over the district and in the course of his own work he can easily spare a few hours or even a day or two for other urgent work and in fact as you may have noticed from his diaries he has not allowed this extra work to interfere with his own legitimate work.

Since the responsibility for the proper conduct of work in all the departments placed under him devolves on the Deputy Commissioner it necessarily becomes his duty to see that the work of no - - department suffers and to make such temporary arrangements as are calculated to cause the minimum amount of dislocation, inconvenience and delay in the departments concerned.

If the other Heads of Departments also should insist upon their previous permission being obtained in all matters work may not go on smoothly or efficiently. For one thing there will be great delay and the urgent necessity of the occasion will probably have passed before the requisite permission is received.

I may here be permitted to quote an example of almost everyday occurence.

If the District Excise Officer should apply for short casual leave there is no other course left open to the Deputy Commissioner but to depute an officer belonging to some other department to look after the Excise work. And if the Heads of those departments should also insist upon their previous permission being obtained the result -ing delay inconvenience and trouble could well be imagined. - -- - Probably they may also object to their men being deputed on other work on the score of serious interference with their legitimate work

If mutual hormony and a spirit of reciprocity between the - - various departments and the integrity of the Deputy Commissioner's authority should not --in the interests of both the individual Depart Department concerned and of the Government as a whole -- be maintain -ed and encouraged the work of District Administration will be - - greatly hampered

In conclusion I beg to state that your own long experienco of District Administration will enable you to see these matters more clearly than myself.

" Copy "

Excise Commissioner.

16

Letter No.6640 dated 27-2-1913 from the Excise Commissioner to the Deputy Commissioner, Chitaldrug District.

With reference to your letter No.1153 dated 16th instant taking objection to my remarks on the diary of the District Excise Officer, Chitaldrug, for the week ending 18th January 1913, I have the honor to observe that the diary is the District Excise Officer's and this being so my remarks are instructions to him cannot be questioned.

2. I request to be informed on what authority the District Excise Officer was employed on duty not pertaining to him legitimately and further whether the sale of land conducted by an Excise Officer who has no Revenue jurisdiction over the area in which such lands are situated, is considered valid. Before so employing the District - - Excise Officer, I should think that the head of the Department, should have been written to and my permission obtained previously. It is requested that you will be good enough to see that you will not in future ask your District Excise Officer to do duties not - - legitimately belonging to him such as the one in question as such a course is bound to seriously interfere with the Excise work of the District

---

" C o p y "

for Excise Commissioner.

(G)

Letter No,1153 dated 16th February 1913 from the Offg: Deputy Commissioner, Chitaldrug District to the Excise Commissioner in Mysore, Bangalore.

I have the honorto forward herewith, an extract from the - - - District Excise Officer's diary No.29 for the week ending 18th --- January 1913 and copy of your marginal remarks thereon. Such re--marks entered upon the diaries which are returned to the District Excise Officer for note of your instructions and guidance place the Deputy Commissioner in a rather unenviable position. If any actior or order of the Deputy Commissioner is found to be wrong the proper course is to address the Deputy Commissioner direct in the matter and in a separate communication.

Your remarks in the present instance amount in fact to giving the District Excise Officer to understand that in certain matters he may, with impunity, disobey the orders issued to him by the Deputy Commissioner.

It is needless perhaps to point out how instructions of this nature conveyed directly to a subordinate Officer by the Head of the Department detract from the prestige and the authority of the Deputy Commissioner of the District.

"Copy"

for Excise Commissioner.

Excise Commissioner's remarks thereon.

" I thought you had done with this work.

Your must not let such work interfere with your more legitimate work of the Department.

(intd) M.K.

I much doubt the validity of the conduct of such sales by you."

(intd.) M.K.

Extract from the District Excise Officer's Diary No.29 for the week ending 18th January 1913.

--------:0:---------

" Wednesday, 15th January 1913."

" Started from Chitaldrug and went to Hiriyur for conducting the sale of the lands of Mir Aminulla Saheb of Dharapur. Inspect-ed Toddy, Arrack and the Drug shops at --- Ayamangala on the way and found everything correct.

" C o p y "

for Excise Commissioner.

Revised draft I

9

Proceedings of the Government of His Highness the Maharaja of Mysore.

*****

Read:-

Letter No.7479 dated the 1st April 1913 from the Excise Commissioner in Mysore forwarding copies of the correspondence between himself and Mr. K. Krishna Iyer, Offg. Deputy Commissioner, Chitaldrug District, in regard to the employment by the latter officer, of the District Excise officer of the District for conducting revenue sales, and soliciting orders as to whether a Deputy Commissioner is competent to depute an Assistant of his to do a duty not properly falling within his sphere of work, without either a previous reference or intimation to the Head of the Department concerned.

Order thereon No. JR524-72 ~~dated~~ SR222-42-2 7 August 1914

Government consider that a Deputy Commissioner as the administrative head of the district should have some latitude in the matter of arranging for the conduct of emergent work by a suitable redistribution of the same during the temporary absence of any one or more of his Assistants; but that, at the same time, such an authority should not be exercised without immediately intimating the fact to the Head of the Department concerned. Ordinarily the period during which an Assistant may be employed on other than his proper work should not exceed

(6)

Limit of casual leave 15 days would perhaps be better

Dec 1817

exceed ~~five~~ three days and where it is necessary to employ him for a longer period, the concurrence of the Head of the Department concerned should be obtained.

4.8.14

Dec 1817

Secretary to Government,
Genl. & Rev. Depts.

To

The Excise Commissioner in Mysore.

The Deputy Commissioner, Chitaldurg.

The other Heads of Departments.

The other Deputy Commissioners of Districts.